



SEP 16 2005

Attorney's Docket No. 3135-011614

*\$ RCE  
ZWW***TRANSMITTAL LETTER****MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial No.: 09/937,460 Filing Date: December 28, 2001  
Examiner: Shawn S. An Group Art Unit: 2613  
Invention: "Device and Method for Selecting and Recording an Image"

Transmitted herewith is an Amendment in the above-identified application.

Small Entity Status is/has been asserted for this application under 37 CFR 1.27.  
 A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.  
 No additional fee is required.  
 The fee has been calculated as shown below:

No of Claims	Highest No.	Small	Non-Small	
After	Previously	Present	Entity	Entity
<u>Amendment</u>	<u>Paid For</u>	<u>Extra</u>	<u>Rate</u>	<u>Rate</u>
Total 21	21	0	x \$ 25.00	x \$ 50.00
Indep. 2	3	0	x \$100.00	x \$200.00
First Presentation of Multiple Dependent Claim/s			+ \$180.00	+ \$360.00
TOTAL ADDITIONAL FEE				\$ -0-

A check in the amount of \$790.00 is enclosed to cover the RCE filing fee.  
 A check in the amount of \$\_\_\_\_\_ is enclosed for a \_\_\_\_ month Petition for Extension of Time.  
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.  
 Any additional filing fees required under 37 CFR 1.16.  
 Any patent application processing fees under 37 CFR 1.17.

September 14, 2005

Date

By

John W. McIlvaine

Registration No. 34,219

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 14, 2005.

Pauline J. Moyes  
(Typed name of person mailing paper)

Signature

  
9/14/05

Date



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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/937,460
Filing Date	December 28, 2001
First Named Inventor	Pieter Tjerk KOOPMAN
Art Unit	2613
Examiner Name	Shawn S. An
Attorney Docket Number	3135-011614

## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ii.  Other \_\_\_\_\_
  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other \_\_\_\_\_
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 23-0650. I have enclosed a duplicate copy of this sheet.
 

i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	09/19/2005	MBIZUNES 00000015 09937460
ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801	790.00 OP
iii. <input type="checkbox"/> Other _____		
  - b.  Check in the amount of \$790.00 enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## *SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED*

Signature		Date	September 14, 2005
Name (Print / Type)	John W. McIlvaine	Registration No.	34,219

## *CERTIFICATE OF MAILING OR TRANSMISSION*

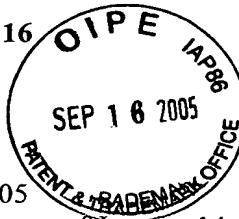
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	September 14, 2005
Name (Print / Type)	Pauline J. Moyles	Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Response Under 37 CFR § 1.116  
Expedited Procedure  
Examining Group No. 2613



Application No. 09/937,460  
Paper Dated: September 14, 2005  
In Reply to USPTO Correspondence of January 14, 2005  
Attorney Docket No. 3135-011614

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/937,460  
Confirmation No. : 9480  
Applicant : **Pieter Tjerk KOOPMAN**  
Filed : December 28, 2001  
Title: : **DEVICE AND METHOD FOR SELECTING  
AND RECORDING AN IMAGE**  
Group Art Unit : 2613  
Examiner : Shawn S. An  
Customer No. : 28289

**AMENDMENT ACCOMPANYING RCE**

MAIL STOP RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed July 14, 2005 and in response to the Final Office Action dated January 14, 2005, Applicant submits the following amendments and remarks, together with an RCE.

Amendments to the **claims** begin on page 2 of this document.

**Remarks** begin on page 5 of this document.

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Pauline J. Moyles

(Name of Person Mailing Paper)

Signature

9/14/2005

Date